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In re Application of
ROGERS, John C.
U.S. Application No.: 09/914,200
PCT No.: PCT/US00/04338
International Filing Date: 22 February 2000
Priority Date: 23 February 1999
Attorney's Docket No.: 5956 PCT
For: SYSTEM AND METHOD FOR
MANAGING AND PRESENTING
INFORMATION DERIVED FROM
GENE EXPRESSION PROFILING

#4
COMMUNICATION

The above-identified application is before the Office of PCT Legal Administration for matters arising under 35 U.S.C. §371.

BACKGROUND

On 22 February 2000, applicant filed international application PCT/US00/04338, which designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office ("USPTO") by the International Bureau ("IB") on 31 August 2000. A timely Demand for International Preliminary Examination was filed 13 September 2000 in which the United States was elected. Thus, the deadline for entering the national stage in the United States was 23 August 2001.

On 28 June 2001, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 15 November 2001, the Office mailed a "Notification of Abandonment" (Form PCT/DO/EO/909) stating that "Applicant has failed to provide the full U.S. Basic National Fee by 20 months (37 CFR 1.494(b)(2))."

DISCUSSION

As stated above, a timely demand for international preliminary examination was filed on 13 September 2000. As such, the deadline for entering the national stage in the United States was 23 August 2001.

Thus, to avoid abandonment, applicant needed to furnish a copy of the international application and the basic national fee prior to the expiration of 30 months from the priority date. 37 CFR §1.495(b).

The record reflects that the international application was transmitted by the IB on 31 August 2000 and on 23 August 2001, the Office received, *inter alia*, the basic national fee. Thus, both items were received prior to the expiration of the 30 month deadline, 23 August 2001. The 37 CFR §1.495(b) requirements for avoiding abandonment were met on 23 August 2001.

CONCLUSION

The Notification Of Abandonment (Form PCT/DO/EO/909) mailed 15 November 2001 is VACATED.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for continued processing. Please direct any further correspondence with respect to this matter to the Commissioner of Patents and Trademarks, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the Office of PCT Legal Administration.



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